

1 BILAL A. ESSAYLI  
2 United States Attorney  
3 LINDSEY GREER DOTSON  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 ALIX R. SANDMAN (Cal. Bar No. 313430)  
7 Assistant United States Attorney  
8 General Crimes Section  
9 1200 United States Courthouse  
10 312 North Spring Street  
11 Los Angeles, California 90012  
12 Telephone: (213) 894-6772  
13 Facsimile: (213) 894-0141  
14 Email: alix.sandman@usdoj.gov

15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

No. 5:25-cr-00037-SSS-1

20 Plaintiff,

GOVERNMENT'S SENTENCING POSITION  
FOR DEFENDANT JESUS OMAR LOPEZ  
QUINTERO

21 v.

22 JESUS OMAR LOPEZ QUINTERO,

23 Defendant.

24 Sentencing Date: 4/18/2025  
25 Sentencing Time: 10:00 a.m.  
26 Location: Courtroom of the  
27 Hon. Sunshine S.  
28 Sykes

29 Plaintiff United States of America, by and through its counsel  
30 of record, the United States Attorney for the Central District of  
31 California and Assistant United States Attorney Alix R. Sandman,  
32 hereby files its sentencing position for defendant Jesus Omar Lopez  
33 Quintero.

34 The government's position regarding sentencing is based upon  
35 the attached memorandum of points and authorities and exhibits, the  
36

1 files and records in this case, and any other evidence or argument  
2 that the Court may wish to consider at the time of sentencing. As  
3 of the date of this filing, the modified Presentence Report has not  
4 been made available to the parties. The government respectfully  
5 requests the opportunity to supplement its position based on the  
6 modified PSR or respond to defendant as may become necessary.

7 Dated: April 4, 2025

Respectfully submitted,

8 BILAL A. ESSAYLI  
United States Attorney

9  
10 LINDSEY GREER DOTSON  
Assistant United States Attorney  
Chief, Criminal Division

11  
12 */s/ Alix R. Sandman*  
13 ALIX R. SANDMAN  
Assistant United States Attorney

14 Attorneys for Plaintiff  
15 UNITED STATES OF AMERICA

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **I. INTRODUCTION**

3                   On March 28, 2025, defendant Jesus Omar Lopez Quintero pleaded  
4 guilty to count three of the indictment in this case, which charged  
5 him with a violation of 8 U.S.C. § 1326(a), Illegal Alien Found in  
6 the United States Following Deportation.

7                   Pursuant to the terms of the plea agreement filed in this case,  
8 the parties have stipulated to a total offense level of 6 based on  
9 the following calculation: a base offense level of 8 pursuant to  
10 U.S.S.G. § 2L1.2(a), plus a 4-level increase under U.S.S.G. §  
11 2L1.2(b) (1) (A) because the defendant committed the instant offense  
12 after sustaining a conviction for a felony that is an illegal  
13 reentry offense, minus 2 levels for acceptance of responsibility  
14 under U.S.S.G. § 3E1.1(a), and minus 4 levels pursuant to a downward  
15 departure for early disposition under U.S.S.G. § 5K3.1.

16                  The government currently estimates that defendant's criminal  
17 history places him in criminal history category III. Based on  
18 defendant's estimated criminal history and total offense level of 6,  
19 the resulting guidelines are 2 to 8 months' imprisonment.<sup>1</sup>  
20 Consistent with the government's agreement to recommend a mid-range  
21 sentence in the plea agreement, the government accordingly  
22 recommends that the Court impose the following sentence: (1) a 5-

23  
24  
25                  <sup>1</sup> The United States Probation and Pretrial Services Office  
26 ("USPPSO") has not disclosed a modified Presentence Report ("PSR")  
27 with the defendant's criminal history calculation. The government  
28 reserves the right to adjust its recommendation should the USPPSO  
determine that defendant is in a different criminal history category  
than the government currently anticipates. The government also  
reserves the right to supplement its position based on any  
information included in the forthcoming modified PSR.

1 month term of imprisonment; (2) a one-year period of supervised  
2 release; and (3) a \$100 special assessment.

3 **II. FACTUAL BACKGROUND**

4 The parties agreed to the following factual basis in support of  
5 the plea:

6 Defendant, a citizen of Mexico, was at all times relevant to  
7 this plea agreement an alien, that is, not a natural-born or  
8 naturalized citizen, or national, of the United States. Defendant  
9 was lawfully deported or removed from the United States on or about  
10 April 17, 2013, May 31, 2013, February 27, 2020, June 28, 2022, and  
11 April 12, 2024. Subsequent to defendant's most recent deportation  
12 or removal, defendant knowingly and voluntarily re-entered and  
13 thereafter remained in the United States. Defendant did so without  
14 the consent of the Attorney General or his designated successor, the  
15 Secretary of the Department of Homeland Security, or of any  
16 authorized representative of either the Attorney General or that  
17 Department, to reapply for admission or to otherwise re-enter and  
18 remain in the United States. After defendant re-entered and  
19 remained in the United States, on or about January 28, 2025,  
20 defendant was found in San Bernardino County, within the Central  
21 District of California. Defendant was found by law enforcement  
22 after he had physically crossed the border of the United States.

23 **III. VICTIM IMPACT STATEMENT**

24 The government is also filing an impact statement from a victim  
25 BNSF Railway<sup>2</sup> in this case, for the Court's review. See Exhibit A.

26 <sup>2</sup> As part of the plea agreement, the government agreed to  
27 dismiss count one (possession of goods stolen from interstate  
28 shipment, in violation of 18 U.S.C. § 659) and count two (removing  
goods from customs custody, in violation of 18 U.S.C. § 549) of the  
indictment, related to the theft of goods from a BNSF train. See 18  
U.S.C. § 3771(e)(2) (For purposes of the right to be reasonably

1       **IV. ARGUMENT**

2       **A. GOVERNMENT'S SENTENCING RECOMMENDATION**

3       Based on a total offense level of 6 and, assuming a criminal  
 4 history category of III, the resulting advisory range is 2 to 8  
 5 months' imprisonment. The government respectfully recommends that  
 6 the Court impose a mid-range sentence of 5 months' imprisonment,  
 7 followed by a one-year period of supervised release, and a special  
 8 assessment of \$100. This sentence is sufficient, but not greater  
 9 than necessary, to achieve the goals of sentencing set forth in 18  
 10 U.S.C. § 3553(a).

11       The recommended sentence reflects the seriousness of  
 12 defendant's crime. Defendant illegally reentered the United States  
 13 repeatedly after having been deported or removed. Defendant's  
 14 repeated returns to the United States reflect a lack of respect for  
 15 the law and support the government's request for a mid-range  
 16 Guidelines sentence.

17       The recommended sentence of 5 months' imprisonment would also  
 18 serve to promote respect for immigration and criminal laws, deter  
 19 defendant and others from illegally re-entering the United States,  
 20 and protect the public from future crimes by this defendant.

21       These concerns, however, must be balanced against the  
 22 mitigating factors in this case, particularly defendant's early

---

23       heard under the Crime Victims' Rights Act, a victim is "a person  
 24 directly and proximately harmed as a result of the commission of a  
 25 Federal offense."); 1 U.S.C. § 1 ("person" includes "corporations");  
 26 18 U.S.C. § 3661 ("No limitation shall be placed on the information  
 27 concerning the background, character, and conduct of a person  
 28 convicted of an offense which a court of the United States may  
 receive and consider for the purpose of imposing an appropriate  
 sentence."). To be clear, the government stands by its  
 recommendation that a mid-range sentence is sufficient, but not  
 greater than necessary, to achieve the goals of sentencing set forth  
 in 18 U.S.C. § 3553(a).

1 acceptance of responsibility and acknowledgment of guilt. This  
2 results in a benefit to the government and the judicial system by  
3 promoting finality and reducing the resources that must be devoted  
4 to this case, while also diminishing, to some extent, the likelihood  
5 of recidivism. For these reasons, the government has agreed to  
6 recommend an early disposition departure and a sentence at the mid-  
7 range of the advisory Guidelines range, followed by a one-year term  
8 of supervised release.

9       The Sentencing Guidelines advise that sentencing courts  
10 ordinarily should not impose a term of supervised release for aliens  
11 who are likely to be deported after a period of imprisonment. See  
12 U.S.S.G. § 5D1.1(c). The commentary provides that “[t]he court  
13 should, however, consider imposing a term of supervised release on  
14 such a defendant if the court determines it would provide an added  
15 measure of deterrence and protection based on the facts and  
16 circumstances of a particular case.” U.S.S.G. § 5D1.1, cmt. n.5.  
17 In this case, defendant will likely be deported following his term  
18 of imprisonment. However, for the following reasons, the government  
19 urges the Court to impose a one-year term of supervised release, as  
20 the parties stipulated in the plea agreement.

21       District courts have wide latitude in imposing conditions of  
22 supervised release. United States v. Blinkinsop, 606 F.3d 1110,  
23 1118 (9th Cir. 2010); United States v. Weber, 451 F.3d 552, 557 (9th  
24 Cir. 2006). The Sentencing Guidelines, tracking the language of 18  
25 U.S.C. Section 3553(a) concerning imposition of sentence, recognize  
26 this broad discretion:

27       The [district] court may impose other conditions of  
28 supervised release to the extent that such conditions are

(1) reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant; (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (C) the need to protect the public from further crimes of the defendant; (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and  
(2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission.

U.S.S.G. § 5D1.3(b).

In this case, a one-year term of supervised release is specified in the plea agreement, and the parties' bargain should be honored. (Plea Agreement, ¶ 14). The imposition of supervised release would provide an "added measure of deterrence and protection," that is warranted under the facts of this case. See U.S.S.G. § 5D1.1, cmt. n.5. Given defendant's prior deportations, the imposition of a one-year supervised release term would provide a needed additional incentive for defendant to refrain from unlawfully returning to the United States. If defendant were unlawfully to re-enter, the terms of defendant's supervised release could be deemed violated. There would be no greater deprivation of liberty than necessary and no undue expenditure of USPPSO resources because there would be no reporting requirement for defendant unless he actually returned to the United States.

1       The imposition of supervised release here would be reasonably  
2 related to the goal of deterrence, protection of the public, and  
3 involve no greater deprivation of liberty than is reasonably  
4 necessary for the purposes of supervised release. Since the  
5 Sentencing Guidelines are advisory only, and in light of the broad  
6 discretion afforded the Court in this area, the government  
7 recommends that the Court find, consistent with the commentary to  
8 Section 5D1.1, that supervised release is appropriate under the  
9 facts and circumstances of this case. See United States v. Apodaca,  
10 641 F.3d 1077, 1081 (9th Cir. 2011) (Sentencing Guidelines for  
11 supervised release are advisory only); Blinkinsop, 606 F.3d at 1118;  
12 Weber, 451 F.3d at 557. Accordingly, in addition to a five month  
13 term of imprisonment, this Court should impose a one-year term of  
14 supervised release.

15 **V. CONCLUSION**

16       For the reasons stated above, the government respectfully  
17 requests that the Court impose a sentence of 5 months' imprisonment,  
18 followed by a one-year period of supervised release, and a mandatory  
19 special assessment of \$100.

20  
21  
22  
23  
24  
25  
26  
27  
28